IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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MARIJO STALLINGS, et al.,    )
                             )
     Plaintiffs,             )
                             )    CIVIL ACTION NO.
     v.                      )      2:20cv780-MHT
                             )           (WO)
DILLON MELVIN, et al.,       )
                             )
     Defendants.             )
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ORDER

The allegations of the plaintiffs' amended complaint are insufficient to invoke this court's jurisdiction under 28 U.S.C. § 1332. To invoke jurisdiction based on diversity, a complaint must distinctly and affirmatively allege each party's citizenship. *See McGovern v. American Airlines, Inc.*, 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam).* 28 U.S.C. § 1332(c) provides that a corporation shall be deemed a citizen, first, of all States by which it has

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*In *Bonner v. Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit Court of Appeals adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

been incorporated and, second, of the State where it has its principal place of business.   To invoke jurisdiction based on diversity in a case in which a corporation is a party, it is thus necessary to allege distinctly and affirmatively the State in which the corporation has its principal place of business *and* all the States by which the corporation has been incorporated.   *See American Motorists Ins. Co. v. American Employers' Ins. Co.*, 600 F.2d 15, 16 and n.1 (5th Cir. 1979) (per curiam).   The plaintiffs' amended complaint fails to allege sufficiently the citizenship of corporate defendants Western Reserve Mutual Casualty Company and The Cincinnati Insurance Company because it does not allege the States where said defendants are incorporated.

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It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiffs have until January 13, 2021, to amend the complaint to allege § 1332

jurisdiction   sufficiently,   *see*   28   U.S.C.   § 1653;

otherwise,   this   cause   shall   be   dismissed   without

prejudice.

DONE, this the 30th day of December, 2020.

_____/s/ Myron H. Thompson____
UNITED STATES DISTRICT JUDGE